

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIE DAVIS,

Plaintiff,

v.

J.E. THOMAS et al.,

Defendants.

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3:12-CV-02181
(JUDGE MARIANI)

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ORDER

AND NOW, THIS 3RD DAY OF SEPTEMBER 2013, upon *de novo* review of Magistrate Judge Carlson's Report and Recommendation (Doc. 42), Plaintiff's Objections (Doc. 43) thereto, Plaintiff's Complaint (Doc. 1), Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment (Doc. 31), Plaintiff's Motion to Dismiss Defendants' Motion to Dismiss (Doc. 36), and all supporting and opposing briefs, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Objections (Doc. 43) are **OVERRULED**.
2. The Report and Recommendation (Doc. 42) is **ADOPTED**.
3. Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment (Doc. 31) is **GRANTED** as to **SUMMARY JUDGMENT**.
 - a. Plaintiff has raised these same issues in a nearly identical action, Davis v. Bledsoe, 3:12-CV-1294, and, therefore, the doctrine of issue

preclusion bars him from raising these issues again in a separate action.

- b. Accepting all of Plaintiff's factual allegations as true (and rejecting any legal conclusions), the undisputed facts show that Defendants lacked any personal involvement in any alleged deprivation of Plaintiff's rights.

For the reasons set forth in Judge Carlson's Report and Recommendation, Plaintiff cannot bring a claim for constitutional deprivations against prison officials based only on their role as supervisors, rather than on their personal involvement in the alleged wrongdoing. This is especially true when, as here, the alleged wrongdoing refers to deliberate indifference to Plaintiff's medical needs, and when medical professionals have testified that the alleged wrongdoing does not place Plaintiff at serious risk of harm. See Defs.' Statement of Material Facts, Ex. B. at ¶ 12 (Decl. of Andrew Edinger). As discussed in Judge Carlson's Report and Recommendation, prison officials are entitled to rely on the opinions of medical professionals, even when an inmate disagrees with those opinions.

- c. Finally, for the reasons set forth in Judge Carlson's Report and Recommendation, the Defendants are entitled to qualified immunity.

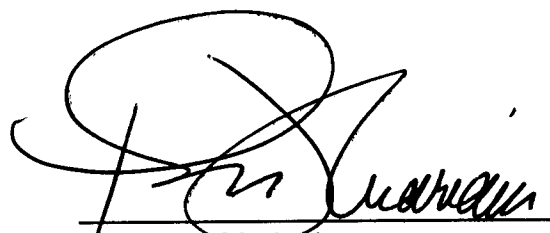
4. Plaintiff's Motion to Dismiss Defendants' Motion to Dismiss (Doc. 36) is

DENIED AS MOOT.

5. **JUDGMENT IS ENTERED IN FAVOR OF DEFENDANTS AND AGAINST**

PLAINTIFF.

6. The Clerk of Court is directed to **CLOSE** the case.

A handwritten signature in black ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge